



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> October 7, 2005 <b>LOCAL EFFECTIVE DATE</b> October 21, 2005 <b>APPROX FINAL EFFECTIVE DATE</b> November 4, 2005	<b>CONTACT/PHONE</b> Marsha Lee, Planner III 788-2008	<b>APPLICANT</b> Peter and Vivian VanderPoel	<b>FILE NO.</b> DRC2004-00188
<b>SUBJECT</b> Request by Peter and Vivian VanderPoel for a Minor Use Permit/Coastal Development Permit to allow demolition/removal of an existing 1,465 square foot duplex and construction of an approximately 3,500 square foot, two story single-family residence with an attached garage and carport. The project will result in the disturbance of approximately 5,600 square feet of a 6,770 square-foot parcel. The proposed project is within the Single-Family Residential land use category and is located at 400 Pacific Avenue in the community of Cayucos. The site is in the Estero planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit/Coastal Development Plan DRC2004-00188 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 3 Categorical Exemption was issued on July 21, 2005 (CE05-035).			
<b>LAND USE CATEGORY</b> Residential Single Family	<b>COMBINING DESIGNATION</b> Geologic Study Area, Coastal Access Area, Coastal Appealable Zone, Small Scale Neighborhood, Local Coastal Program Area	<b>ASSESSOR PARCEL NUMBER</b> 064-148-004	<b>SUPERVISOR DISTRICT(S)</b> 2
<b>PLANNING AREA STANDARDS:</b> Small Scale Neighborhood, Height Limits, Setbacks, Gross Structural Area, Deck Rail Height, Parking, Second Floor Ratio, Roof Pitch, Streetscape Plan, Fencing, Driveway Width, Design Guidelines <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Local Coastal Plan, Coastal Appealable Zone, Geologic Study Area, Bluff Top Setbacks <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			

EXISTING USES: One 1,465 square foot duplex	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/Residential <i>South:</i> Recreation/Pacific Ocean <i>East:</i> Residential Single Family/Residential <i>West:</i> Residential Single Family/Residential	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Citizens' Advisory Council, Public Works, Cayucos Sanitary District, Cayucos Fire Protection District, Cal Trans, California Coastal Commission, and Paso Robles Beach Water Association	
TOPOGRAPHY: Nearly level	VEGETATION: Ornamentals and lawn
PROPOSED SERVICES: Water supply: Paso Robles Beach Water Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire Department	ACCEPTANCE DATE: July 21, 2005

## DISCUSSION

### PLANNING AREA STANDARDS:

#### Small Scale Neighborhood:

Front Setback: For two story construction, the minimum front lower floor setback is 0 feet. The minimum front second floor setback is an additional 3 feet from the lower wall except open rail, uncovered decks are excluded from this additional setback and may extend to the lower floor wall. *The garage is located 6' 3" from the property line and the second floor is set back 4' 5" from the lower floor wall. The project as proposed meets this requirement.*

Side Setback: For two story construction, the minimum side setbacks for the lower floor is 4 feet. Second floor side setbacks require a minimum of 2 ½ feet greater than the lower floor setback. Thirty percent of the upper story side walls may align with the lower floor wall provided it is within the rear two-thirds of the structure. At no point shall the lower story wall exceed 12 feet in height. *The project has side setbacks of 4' for the lower floor and an additional 2' 6" for the second floor and is within the thirty percent maximum for upper story aligning walls. See conditions of approval for side setbacks.*

Rear Setback: The minimum rear setback, shall be 10 feet except on bluff top lots. *The project as proposed has a bluff top setback of 25 feet.*

Height Limits: Proposed structures are not to exceed 15 feet on ocean front lots. The proposed building height for the new residence complies at 15 feet as measured from the centerline of the fronting street. *The project as proposed meets this standard.*

Gross Structural Area: For bluff top sites, maximum gross structural area is 3500 square feet. The below grade crawl space and carport are not included in the GSA calculations. *This project complies with this standard.*

Deck Rail Height: Rail heights for decks above the ground floor shall not exceed 36 inches. A maximum additional height of 36 inches of untinted, transparent material with minimal support members is allowed. *See conditions of approval.*

Parking: At least one off-street parking space shall be enclosed with an interior space a minimum size of 10 feet by 20 feet, and a maximum of one required off-street parking space may be located in the driveway within the required front yard setback area. *The project complies with this standard.*

Second Floor Ratio: The second story shall be no greater than 60% of the first floor square footage. The upper floor living area is 1,260 square feet and the lower floor is 2,240 square feet (including the 312 square feet of garage space making the upper floor 56% of the lower floor. *The project as proposed meets this requirement.*

Roof Pitch: Roof heights up to 18 feet shall not be required to have sloped roof. *This project has a maximum height of 15 feet and a flat roof; the project complies with this standard.*

Streetscape Plan: A scaled drawing showing front exterior elevation of the proposed project is required. *Elevation drawings are included in the file.*

Driveway Width: Driveway widths for proposed development may not exceed 18 feet in width. *The project complies with this standard.*

Fencing: Fences, which present a solid barrier, should be avoided except where privacy is desired. *The proposed 6 foot fencing on the project site is for privacy reasons and is lower in the areas where privacy is not desired. See conditions of approval.*

Landscaping: On coastal bluffs landscaping which requires substantial irrigation shall be avoided. Lawn on bluff tops shall be removed because the irrigation speeds erosion of the bluff. *See conditions of approval.*

#### LAND USE ORDINANCE STANDARDS:

Coastal Zone Land Use Ordinance: 23.07.120: The project is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

Coastal Appealable Zone: Section 23.01.043: The project is appealable to the Coastal Commission.

Coastal Access: Section 23.04.420: Vertical access must be provided within a quarter mile of the site. There is a vertical access point less than a quarter mile from the project. The closest access point is located 0.04 miles from the site. All new development shall provide a lateral access dedication of 25 feet of dry sandy beach available at all times during the year. Where topography limits the dry sandy beach to less than 25 feet, lateral access shall extend from the mean high tide to the toe of the bluff. *See conditions of approval.*

Geologic Study Area: Section 23.07.080: The project site is within a mapped Geologic Study Area.

Bluff Top Setbacks: Section 23.04.118. The project is located on a bluff top site. As required, a geologic report was prepared by a certified engineering geologist (23.04.118b). The geologic report (Earth Systems Pacific; April 22, 2005) and mitigation was included as conditions of approval to mitigate any potential impacts associated with the project. The 25 foot setback proposed with the project was found to be sufficient.

COASTAL PLAN POLICIES:

Shoreline Access:

*Policy 1: Protection of Existing Access:* This policy applies to this project and a lateral access agreement will be recorded with the project to assure that future access will be maintained along the sandy beach area.

*Policy 3:* The proposed project site is located adjacent to the coast. Public access is located less than a quarter mile from the site for vertical access and the project is conditioned to create lateral access.

Recreation and Visitor Serving: ☒ N/A

Energy and Industrial Development: ☒ N/A

Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A

Environmentally Sensitive Habitats: ☒ N/A

Agriculture: ☒ N/A

Public Works:

*Policy 1: Availability of Service Capacity:* The applicant has demonstrated that adequate public service capacities are available to serve the proposed project because services already exist for the structure and will serve letters are required.

Coastal Watersheds: ☒ N/A

Visual and Scenic Resources:

*Policy 1: Site Selection for new development:* The proposed project is consistent with this policy because the development is sited so as to protect views to and along the ocean and will be limited in height to 15 feet from the center line of the fronting street.

*Policy 5: Land-form Alteration:* The proposed project is consistent with this policy because grading, earthmoving, major vegetation removal and other land-form alterations within public view corridors will be minimized.

*Policy 6: Special Communities and Small-Scale Neighborhoods:* the proposed project is consistent with this policy because the development has been designed and sited to complement and be visually compatible with existing characteristics of the community.

*Policy 7: Preservation of Trees and Native Vegetation:* The proposed project is consistent with this policy because no trees are proposed for removal.

*Policy 8: Utility Lines within View Corridors:* The project will be required as a condition of approval to install all utility lines underground.

*Policy 11: Development on Coastal Bluffs:* The project has been designed and sited to minimize visual intrusion on the adjacent sandy beach and neighborhood. The residence will not exceed 15 feet in height, and setback 25 feet from the bluff edge.

Hazards:

*Policy 1: New Development:* The project has been designed with a 25-foot bluff setback to account for bluff retreat along the property line.

*Policy 6: Bluff Setback:* The project has been designed with a 25 foot bluff setback to account for bluff retreat along the property line.

Archeology: ☒ N/A

Air Quality: ☒ N/A

***Does the project meet applicable Coastal Plan Policies:*** Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: The project was referred to the Cayucos Citizens' Advisory Council twice and comments were received. The major concern of the community group is the size of the house and the amount of gross structural area. They are concerned that the GSA exceeds the maximum set forth in the ordinance. Another major

concern was a proposed six foot fence on Pacific Street which the advisory group feels would not fit with the small scale neighborhood characteristics. Additionally, there were concerns about of the proposed construction (pillars) extending into the bluff setback area. The project has been conditioned to address these concerns.

**AGENCY REVIEW:**

Public Works- Recommend approval

Cayucos Fire Protection District – no response

Cayucos Sanitary District – Will require will serve letter

Cal Trans – no response

California Coastal Commission – no response

Paso Robles Beach Water Association — no comment

**LEGAL LOT STATUS:**

The 1 lot was legally created by deed at a time when that was a legal method of creating lots.

Staff report prepared by Marsha Lee and reviewed by Matt Janssen.

## EXHIBIT A - FINDINGS

### *CEQA Exemption*

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project is the demolition and reconstruction of a single family residence on the same site having substantially the same purpose and capacity.

### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

### *Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas because existing vertical access is within a quarter mile of the site and the project has been conditioned for a lateral access agreement.

## **EXHIBIT B - CONDITIONS OF APPROVAL**

### **Approved Development**

1. This approval authorizes:
  - a. The demolition/removal of an existing 1,465 square foot duplex and construction of a 3,500 square foot, two story single-family residence with an attached garage and carport, and
  - b. maximum height is 15 as measured from natural grade.

### **Conditions required to be completed at the time of application for construction permits**

#### ***Site Development***

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
4. **At the time of application for construction permits**, the applicant shall revise plans to show no disturbance within the 25 foot bluff setback area.
5. **At the time of application for construction permits**, the applicant shall revise plans to show the chimney outside of the four foot side setback.
6. **At the time of application for construction permits**, the applicant shall revise plans to show all second floor deck railing limited to three feet in height with an additional three feet allowed if untinted, transparent materials with minimal supports.
7. **At the time of application for construction permits**, the applicant shall revise the plans to show fence in front of the building located on Pacific Avenue. The fence is limited to three feet in height except the fence located in the north ¼ of the property on Pacific Avenue which can be six feet for privacy.
8. **At the time of application for construction permits**, a landscape plan must be submitted showing use of drought tolerant landscaping and removal of existing lawn.
9. **At the time of application for construction permits**, the applicant shall revise plans to show that the underfloor crawlspace is located completely below grade.

**Fire Safety**

10. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project.

**Services**

11. **At the time of application for construction permits**, the applicant shall provide a letter from Paso Robles Beach Water and Cayucos Sanitary District stating they are willing and able to service the property.

**Conditions to be completed prior to issuance of a construction permit**

**Fees**

12. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

**Coastal Access**

13. **Prior to issuance of construction permits**, the applicant shall provide an offer to dedicate (OTD) for lateral coastal access. The OTD shall be made to the County of San Luis Obispo. The offer may be in fee or easement and shall provide the area of the applicant's property between the toe of bluff and mean high tide line. Prior to the applicant obtaining building permits, the offer to dedicate shall be reviewed and approved by County Counsel and shall be recorded with the Clerk Recorder's office.

**Conditions to be completed during project construction**

**Building Height**

14. The maximum height of the project is 15 feet from average natural grade.
- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
  - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
  - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

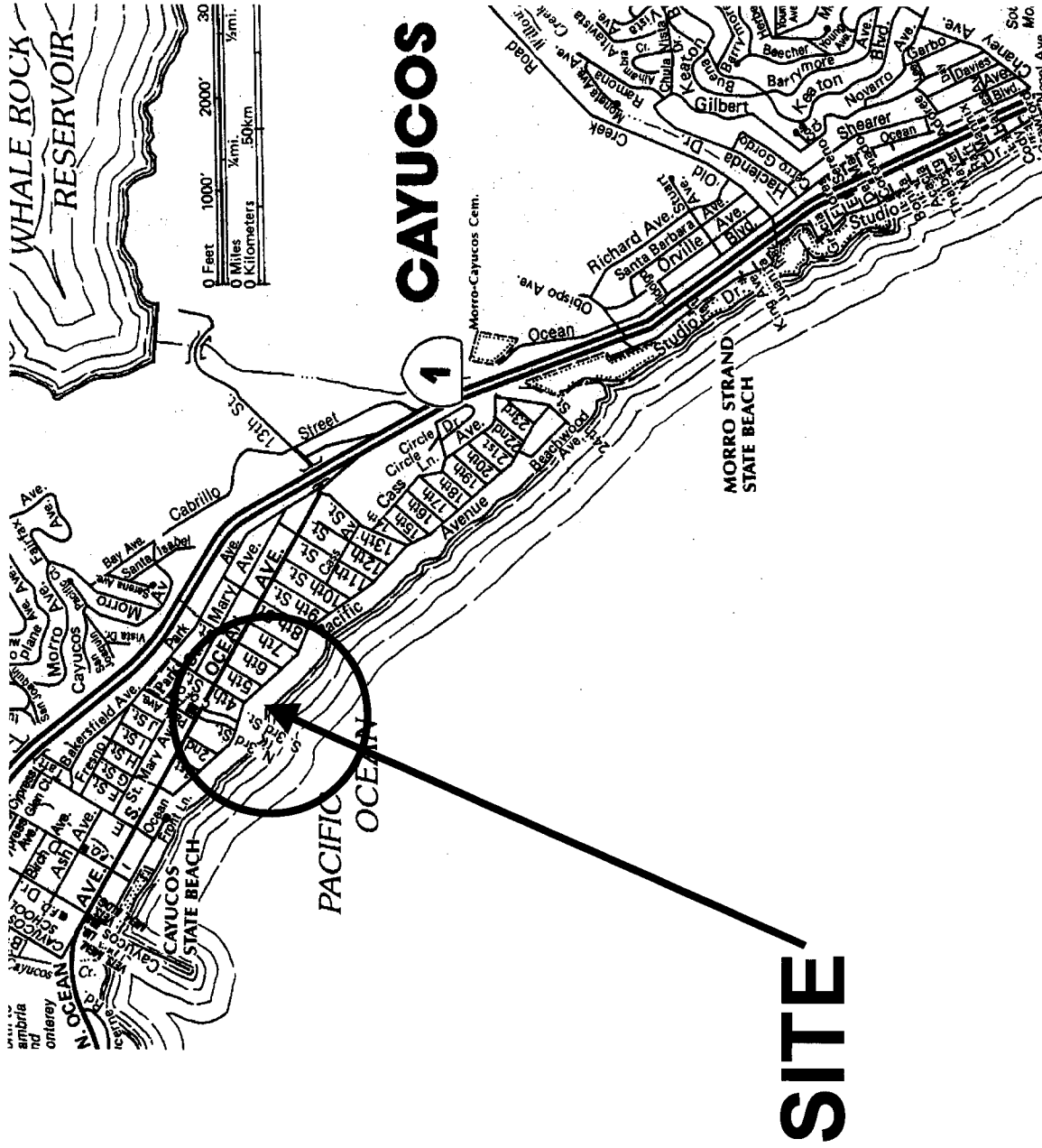


**Conditions to be completed prior to occupancy or final building inspection / establishment of the use**

15. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before ***final building inspection / establishment of the use***. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
16. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
17. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

**On-going conditions of approval (valid for the life of the project)**

18. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
19. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.



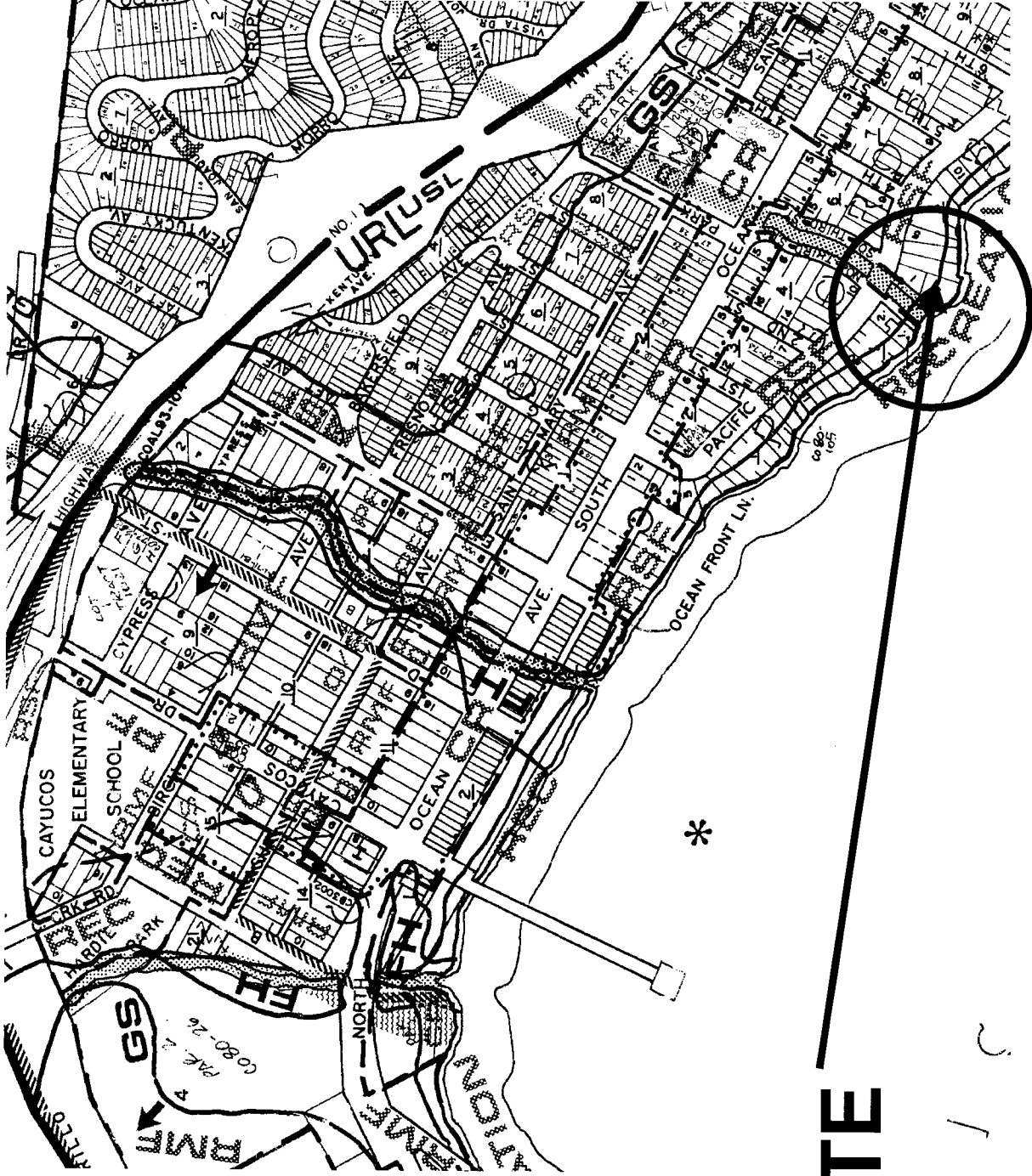
**PROJECT**

Minor Use Permit/Coastal Development Permit  
VanderPoel DRC2004-00188

**EXHIBIT**

Vicinity Map





**SITE**

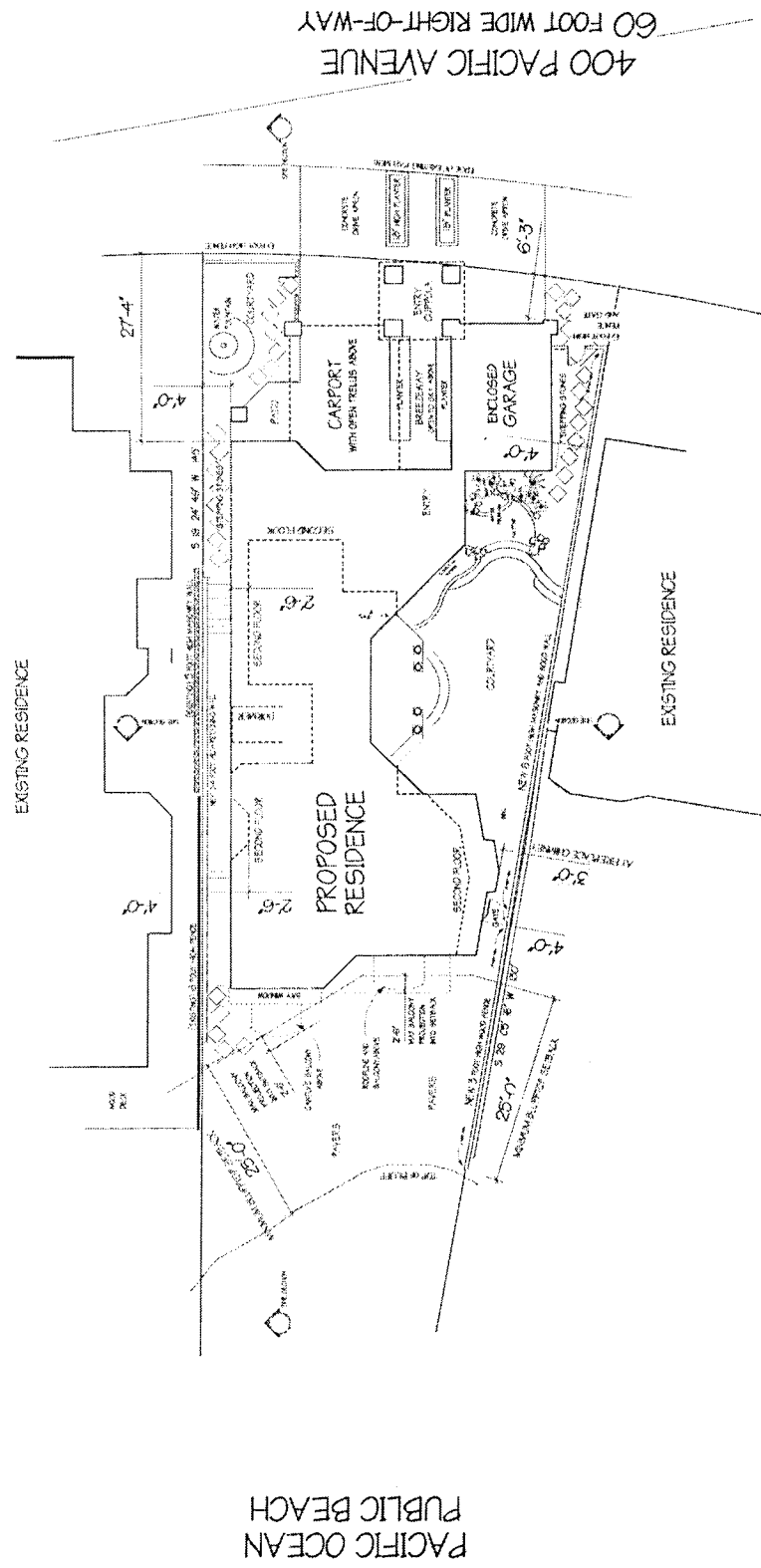
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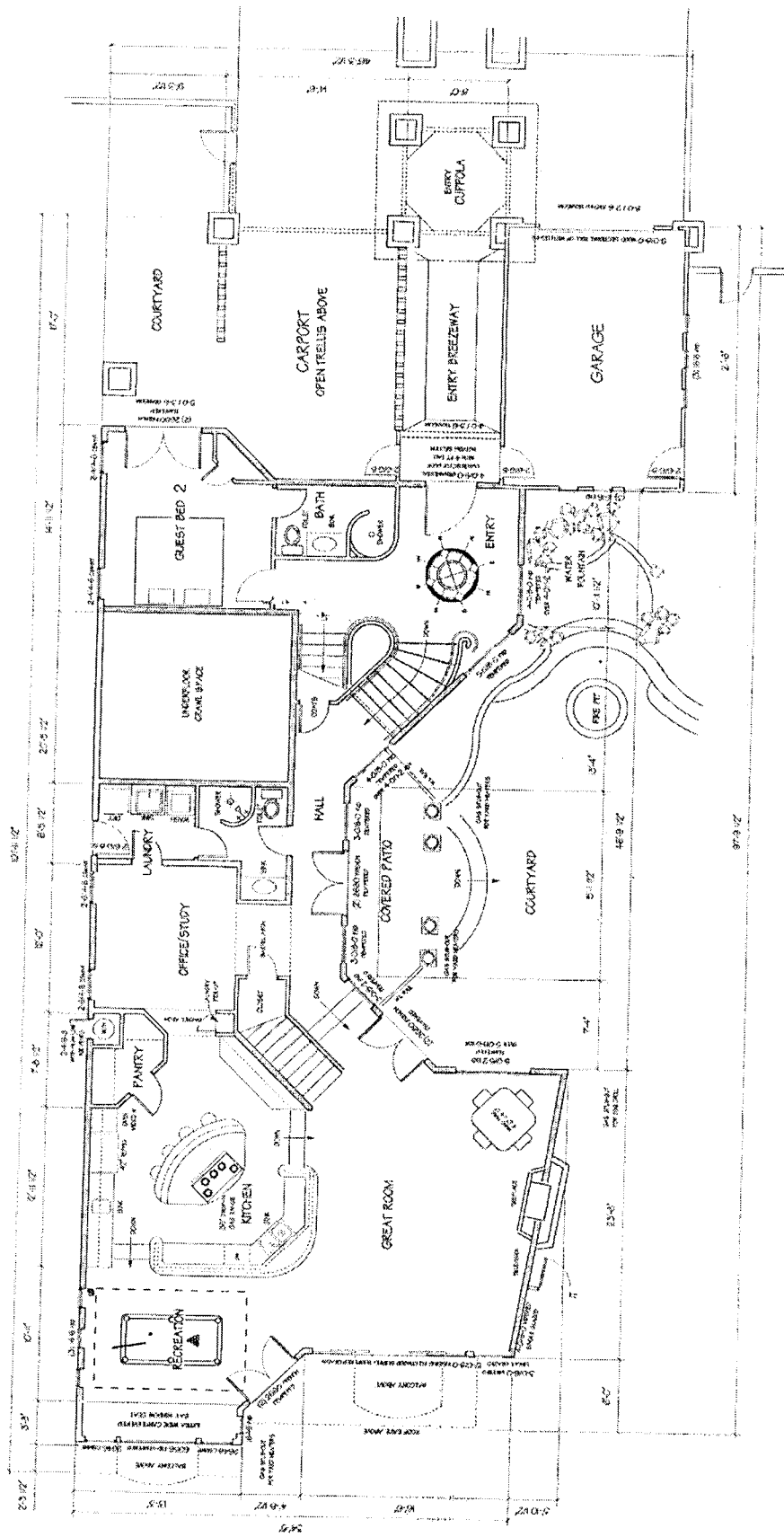
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**EXHIBIT**

Land Use Category







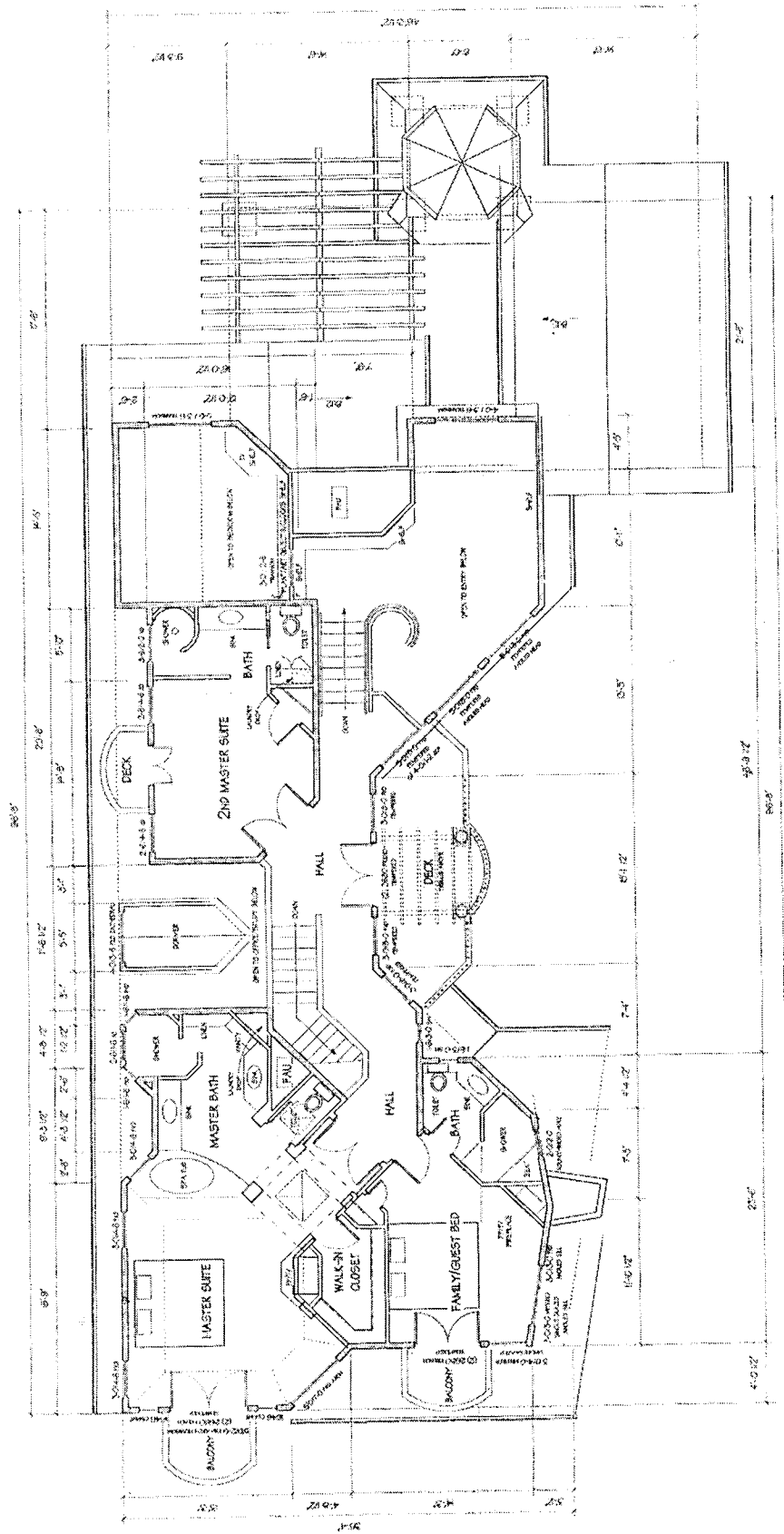
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**EXHIBIT**

Lower Floor Plan



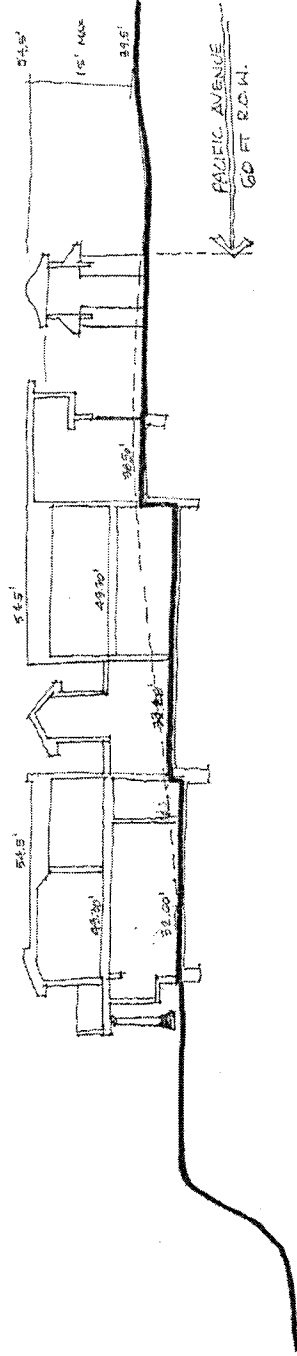
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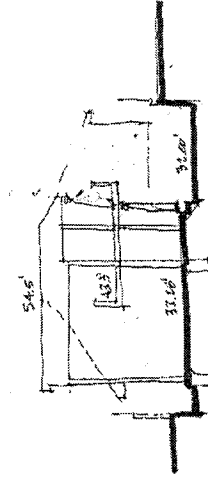


**EXHIBIT**

Upper Floor Plan



SECTION A-A



SECTION B-B

**PROJECT**

Minor Use Permit/Coastal Development Permit  
VanderPoel DRC2004-00188

**EXHIBIT**

Elevation

